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PART II—Section 3—Sub-section (1)

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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 4th October 1963

G.S.R. 1618.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962 (published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1465, dated the 5th November, 1962), namely:—

1. These rules may be called the Defence of India (Tenth Amendment) Rules, 1963.

2. In sub-rule (1) of rule 45 of the Defence of India Rules, 1962 (hereinafter referred to as the said rules),—

(a) in clause (f),—

(i) after the word "direct", the words "the editor or publisher of such document, or" shall be inserted;

(ii) for the words "at the option of the keeper of the press", the words "at the option of the person from whom security is demanded" shall be substituted;

(b) in clause (g), for the words "if the press or premises are thereafter used for any such purpose", the words "if the editor or publisher thereafter makes or publishes such document, or if the press or premises are thereafter used for the purpose of printing or publishing such document" shall be substituted;

(c) in clause (h), after the words "where such security has not been deposited", the words "by the keeper of the press" shall be inserted.

3. In sub-rule (2) of rule 47 of the said rules, for the words "by order, prohibit or restrict", the words "omit to do or delay the doing of anything which he would otherwise be required to do in relation to the application and also, by order, prohibit or restrict" shall be substituted.

4. After rule 125A of the said rules, the following rule shall be inserted namely:—

"125-B. *Special provisions for sugarcane.*—(1) In this rule, unless the context otherwise requires,—

(a) 'crusher' means a crusher drawn by bullock or any other animal and engaged or ordinarily engaged in the crushing of sugarcane

and includes any equipment for manufacturing gur, shakkar, gul, jaggery, rab or khandsari sugar;

- (b) 'co-operative society' means a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force relating to co-operative societies;
 - (c) 'factory' means any premises, including the precincts thereof, in any part of which sugar is manufactured by vacuum pan process;
 - (d) 'khandsari unit' means a unit engaged or ordinarily engaged in the manufacture of khandsari sugar from cane juice or rab;
 - (e) 'power crusher' means a crusher working with the aid of diesel, electrical or steam power, and engaged or ordinarily engaged in crushing sugarcane and extracting juice therefrom for the manufacture of gur, shakkar, gul, jaggery, rab or khandsari sugar;
 - (f) 'year' means the year commencing on the first day of July and ending with the thirtieth day of June in the year next following.
- (2) If the Central Government is of opinion that it is necessary or expedient so to do for regulating or increasing the supply of sugarcane or for securing the equitable distribution of sugarcane, it may, by order—
- (a) reserve any area where sugarcane is grown (hereinafter called a reserved area) for a factory, having regard to the crushing capacity of the factory, the availability of sugarcane in the reserved area and the need for production of sugar;
 - (b) determine the quantity of sugarcane which a factory will require for crushing during a year;
 - (c) fix, with respect to any specified sugarcane grower or sugarcane growers generally in a reserved area, the quantity or percentage of sugarcane grown by such grower or growers, as the case may be, which each such grower by himself, or if he is a member of a cooperative society or sugarcane growers operating in the reserved area, through such society, shall supply to the factory concerned;
 - (d) require a factory to enter into an agreement with a sugarcane grower or cooperative society of sugarcane growers, as the case may be, to purchase the quantity of sugarcane determined under clause (c);
 - (e) direct that a power crusher, or a khandsari unit, or a crusher not belonging to a grower or body of growers of sugarcane, shall not be worked except under and in accordance with a licence issued by the Central Government in that behalf;
 - (f) direct that in a reserved area—
 - (i) no sugarcane shall be purchased for crushing by a power crusher,
 - (ii) no sugarcane or sugarcane juice shall be purchased for crushing or for manufacture of gur, shakkar, gul, jaggery, rab or khandsari sugar, as the case may be, by a khandsari unit or by a crusher not belonging to a grower or body of growers of sugarcane in the area,

except under and in accordance with a permit issued by the Central Government in that behalf:

Provided that where such a permit is issued—

- (i) the Central Government may require the permit-holder to purchase sugarcane or sugarcane juice only through a co-operative society of sugarcane growers where such a society exists, and to pay commission to the society on the sugarcane or sugarcane juice purchased through it at such rate as may be fixed by the Central Government;
- (ii) the permit-holder shall not crush sugarcane or purchase sugarcane juice in excess of the quantity specified by the Central Government in the permit and shall work the power crusher, khandsari

unit or the crusher as the case may be, only during such period or such hours as may be so specified;

- (g) require the owner or other person in charge of a power crusher, a khandsari unit or a crusher not belonging to a grower or body of growers of sugarcane in a reserved area to shift it to such place outside the reserved area as may be specified by the Central Government for the purpose;

Provided that the factory for which the area is reserved undertakes to pay the cost of shifting as determined by the Central Government within such time as may be fixed by that Government on the basis of agreement between the parties in this behalf, or in the event of there being no such agreement, on a fair and reasonable basis, after affording both parties an opportunity to make representations in writing as to the cost involved and the basis of calculation thereof;

- (h) direct that no sugarcane shall be exported from a reserved area except under and in accordance with a permit issued by the Central Government in that behalf;
- (i) require persons engaged in the production, manufacture, supply or distribution of, or trade and commerce in sugarcane, sugarcane juice, sugar gur, shakkar, gul, jaggery, rab or khandsari sugar, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order;
- (j) provide for the grant or issue of licences or permits, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence or permit, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions and the adjudication of such forfeiture by such authority as may be specified in the order;
- (k) provide for any incidental or supplementary matters for which the Central Government thinks it expedient for the purposes of the order to provide, including in particular, the entry into, search and inspection of premises, places or vehicles, seizure by a person authorised to make such search of any crusher, power crusher or khandsari unit in respect of which such person has reason to believe that a contravention of the order has been, is being or is likely to be committed and the rendering of such equipment inoperative by sealing or otherwise.
- (3) (a) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- (b) If any order made under this rule so provides, any court trying a contravention of the order may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to Government."

5. In Part XII of the said rules, after rule 126AA, the following rule shall be inserted namely:—

"126-AAA. *Supply of energy under certain circumstances by State Electricity Boards.*—If in the opinion of the State Government a person who has been granted a licence under section 3 of the Indian Electricity Act, 1910 (9 of 1910), or has been given a sanction under section 28 thereof, is not able to accept any new or additional load required by any consumer, or to guarantee uninterrupted supply of power to any consumer, for maintaining supplies and services essential to the life of the community, the State Government may, by order in writing, direct the State Electricity Board constituted for or functioning in the State under the Electricity (Supply) Act, 1948 (54 of 1948), to supply electrical energy to such consumer."

[No. F. 3/6/63-Poll(Spl).]

HARI SHARMA, Secy.

